

# EXHIBIT K

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

----- X		
ORLY GENDER in her individual capacity and on	:	
behalf of the Orly Genger 1993 Trust (both in its	:	Index No. 109749/09
individual capacity and on behalf of D & K	:	
Limited Partnership),	:	Hon. Barbara Jaffe
	:	
Plaintiff,	:	
	:	Part 12
-against-	:	
	:	
DALIA GENDER, SAGI GENDER, LEAH FANG,	:	JUDICIAL TRIAL
D & K GP LLC, and TPR INVESTMENT	:	SUBPOENA
ASSOCIATES, INC.,	:	
	:	
Defendants.	:	
----- X		

The People of the State of New York

TO: David Broser  
RDA Ventures  
104 West 40th Street, 19th Floor  
New York, New York 10018

**WE COMMAND YOU**, that all business and excuses being laid aside, you appear and attend the trial of this action before a Special Referee, as appointed by the Special Referee Part of the New York State Supreme Court for the County of New York, located at 80 Centre Street, New York, New York 10013, in Room 112, at 9:30 AM on June 20, 2016, and at any recessed or adjourned date, to give testimony in this action.

**WE FURTHER COMMAND YOU**, that all business and excuses being laid aside, you bring with you and produce at the same time and place all documents and records in your possession, custody, or control described on the attached Schedule A.

In the event you fail to attend the aforementioned hearing, you will be deemed guilty of contempt of Court and liable to pay all loss and damages sustained thereby to the party aggrieved, and forfeit one hundred fifty dollars (\$150.00) in addition thereto.

Dated: New York, New York  
June 13, 2016

MORGAN, LEWIS & BOCKIUS LLP

By: /s/John Dellaportas  
John Dellaportas  
Mary C. Pennisi

101 Park Avenue,  
New York, New York 10178  
(212) 309-6690  
Email: john.dellaportas@morganlewis.com

*Attorneys for TPR Investment Associates, Inc. and  
Sagi Genger*

cc: all counsel of record (by e-mail and first class mail)

#### SCHEDULE A

With respect to each of the following requests, you are directed to produce documents from the time period of January 1, 2008 through Present unless otherwise indicated.

1. All documents constituting, containing or reflecting any agreement with Orly Genger or communications with Orly Genger or financial arrangements with Orly Genger, and/or payments made to Orly Genger or any other person at her direction, including but not limited to all agreements, correspondence and other documents concerning in any way the initial Settlement Agreement, dated June 16, 2013 among Orly Genger, Arie Genger, Arnold Broser, David Broser, and Glenclova Investment Company, TR Investors, LLC, New TR Equity I, LLC, New TR Equity II, LLC, Trans-Resources, LLC, Jules Trump, Eddie Trump and Mark Hirsch.

2. All documents concerning the funding or financing of any litigations of which Orly Genger is a party.

Index No. 109749/09

**AFFIDAVIT OF DAVID BROSER**

[illegible]

I, David Broser, being duly sworn, deposes and says:

1. I am not a party to this action. I have no direct or indirect interest, and never had any interest, in TPR Investment Associates, Inc., D&K Limited Partnership, Trans-Resources Inc., any of their affiliates, or any Orly Genger entities. For that reason, I have no information or records concerning such entities.

2. Defendants Sagi Genger and TPR Investment Associates, Inc. purported to serve a trial subpoena addressed to me in connection with this action, a copy of which is attached as Exhibit A.

3. I have no documents called for in the Schedule attached to the subpoena. The one exception is the “Settlement Agreement” that is referenced in the Schedule. However, this agreement is strictly confidential, and therefore I cannot produce it, and, moreover I understand that defendant Sagi Genger already has a copy of it.

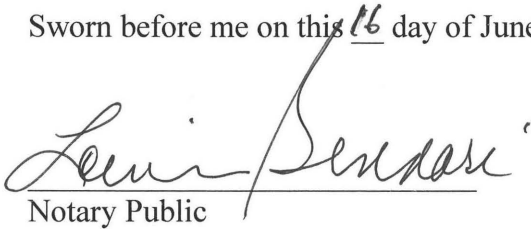
4. Given my undisputed lack of indirect or direct involvement and lack of relevant information, there can be no valid basis to subpoena me as a trial witness at the damages inquest in this proceeding. Further, given that the defendants have no good faith basis to issue the subject trial subpoena, I believe that it is intended only to burden and harass me, and, as such, it is invalid and should be quashed.

5. Therefore, I respectfully request that the Court quash the subpoena forthwith.



David Broser

Sworn before me on this 16 day of June, 2016

  
Notary Public

[stamp/seal]



**SUPREME COURT OF THE STATE OF NEW YORK — NEW YORK COUNTY**

**PRESENT: Hon. BARBARA JAFFE**  
*Justice*

**PART 12**

ORLY GINGER, *et al.*,

**Plaintiffs,**

- v -

INDEX NO. 109749/2009  
MOTION DATE \_\_\_\_\_  
MOTION SEQ. NO. 055  
CALENDAR NO. \_\_\_\_\_

DALIA GINGER, *et al.*,

**Defendants.**

The following papers were read on this motion:

Order to Show Cause — Affidavits — Exhibits ...

Answer — Affidavits — Exhibits \_\_\_\_\_

Replying Affidavits \_\_\_\_\_

**PAPERS NUMBERED**  
NYSCEF 1205, 1175-77  
NYSCEF 1212

Cross-Motion: ☐ Yes ☐ No

Non-party David Broser's motion, brought by order to show cause dated July 27, 2016 (NYSCEF 1205), for an order quashing the SG defendants' (Sagi Genger and TPR Investment Associates, Inc.) judicial trial subpoena dated June 13, 2016 (NYSCEF 1177), is granted. (*See* mot. seq. nos. 28, 38).

MOTION/CASE IS RESPECTFULLY REFERRED TO  
JUSTICE  
DATED:

J.S.C.

Dated: 8/1/16

  
**BARBARA JAFFE**  
J.S.C.

J.S.C.

Check one: ☐ FINAL DISPOSITION ☒ NON-FINAL DISPOSITION  
Check if appropriate: ☐ DO NOT POST ☐ REFERENCE